



Inheritance Laws Of Women in Manipur: Past and Present

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Abstract – The concept of property in India has been one of the most complicated and extensive branches of jurisprudence. On the other hand, the same is the case for Meiteis concept of property. When we traced the origin or history, it is found that individuals were first treated as properties of the king. The king can acquire sons or daughters as property under the prescribed status as servant, slave, maid, attendant, bride, and reward. Later on, this slavery system was abolished bypassing the British Manipur Government in 1891 A.D. India was a country where orthodox, beliefs, customs, rites, and rituals were taken as a source of living in a society. The male predominantly dominated the society. Women were under the control of their male partners. This is nothing but portrayed as the features of a patriarchal society. The women were not in a position to live at their own will. Their rights were always deprived in terms of property, partition, or maintenance. As the property is concerned whether a self-acquired or ancestral property can be disposed of by the owner at its own will. A widow could be deprived of their share as that she would otherwise get on a partition. Women's property could be either ningol maral or nupi maral, which she was the absolute property as a woman. Ningol maral refers to the property of an unmarried woman whereas nupi maral refers to that of a married woman.

Description of women's property in Meitei law :

Aoonpot, which is given at the time of marriage by the parents
Anything movable or immovable or immovable given by her parents or other relatives after the marriage.

Property acquired by inheritance.

It is to be noted here that the property which is given as a gift to her at the time of marriage or acquired by herself is her absolute property. She is the absolute owner to enjoy during her lifetime. After her death, it will devolve on the heirs of the person through whom she got it. Whereas property acquired by her intellect, skills, and labor or otherwise by her exertions during her motherhood as Mou Halakpi or Khainaba is Nupimaral. But property acquired by such a female during coverture is Nupimaral only when her husband has given consent to it and not otherwise. There is no concrete rule which governs the law of inheritance to Meitei woman's property. There is no such difference between ancestral property or self-acquired property may it be movable or immovable property. Father is the absolute owner of all kinds of property may it be ancestral property or property which is acquired by herself. After 2005 a woman is no more considered a member rather, they were treated as same as coparceners. The women have got the same right over ancestral property and self-acquired property. They can hold property and also acquire property on par with men.

Keywords: Concept of property, Women's Property, Women's Position or Rights, Inheritance.

1. INTRODUCTION

Although women in India are enjoying better positions as compared to their counterparts in the rest of the countries. But the customary law practices discriminate the women in many ways. As per customary laws of Meitei in Manipur, women are deprived of family rights of inheritance which goes



to either the eldest son or the youngest son in the family. Generally, amongst the remaining communities, women do not enjoy property rights. The meities are purely patrilineal and patrimonial societies. In the family, the father is the absolute owner of all properties whether ancestral or acquired property. The male children enjoy the legal rights to inherit all immovable properties of their parents.

2. MEANING OF INHERITANCE

Inheritance is the practice of transferring property, titles, debts, rights, and obligations to the legal heirs of a person upon the death of that person either by a way of will or through the prevalent laws of inheritance. The laws of inheritance are different according to the different religion which has evolved.

3. CONCEPT OF PROPERTY UNDER MEITEI CUSTOMARY LAW

The concept of property in India has been one of the most complicated and extensive branches of jurisprudence. On the other, the same is the case for Meitei concept of property. When we traced the origin or history, it is found that individuals were first treated as properties of the king. The king can acquire sons or daughters as property under the prescribed status as servant, slave, maid, attendant, bride, and reward. Later on, this slavery system was abolished bypassing the British Manipur Government in 1891 A.D. India was a country where orthodox, beliefs, customs, rites, and rituals were taken as a source of living in a society. The male predominantly dominated the society. Women were under the control of their male partners. This is nothing but portrayed as the features of a patriarchal society. The male children enjoy the legal rights to inherit all immovable properties of their parents. However, Meitei women have no right to inherit their immovable properties. The only properties a daughter may inherit are movable properties such as cattle, paddy, household goods,

etc. In case she belongs to a rich family, she may be allowed to freely cultivate one or more paddy fields for years or as long as she needs.

4. DESCRIPTION OF WOMEN'S PROPERTY IN MEITEI LAW:

Aoonpot, is a gift (movable property) given by the parents at the time of marriage. Anything movable or immovable or immovable given by her parents or other relatives after the marriage.

5. PROPERTY ACQUIRED BY INHERITANCE

It is to be noted here that the movable property which is earned by herself is her absolute property. She is the absolute owner to enjoy during her lifetime. After her death, it will devolve on the heirs of the person through whom she got it. Whereas property acquired by her own intellect, skills, and labor or otherwise by her exertions during her motherhood as Mou Halakpi or Khainaba is Nupimaral. But property acquired by a female during coverture is Nupimaral only when her husband has given consent to it and not otherwise. There is no concrete rule which governs the law of inheritance to Meitei woman's property.

6. THE INHERITANCE LAWS THAT APPLY TO ALL HINDU MEITEIS WERE:

There was no difference between ancestral property and self-acquired property. The father is the head of the family and also the karta of the family. The property is in his possession and he is the sole owner and title to the property. During his lifetime, he can give away any portion of his property or the whole property to anybody he wishes including all of his, or excluding any one of his sons. Daughters do not enjoy such kinds of rights. They have been excluded from the inheritance of their father's property in the presence of their sons or brother. This absolute control over the property by the father is similar to that of the power of the father given under Vedic



law. The sons inherit equally the property left by the father after his death. Grandson takes place on the property in the absence of the son and shall have the same share. The rule is that all the sons of the deceased father will share the property equally. If there is no son, a widow will get the share of her deceased husband in which she has the life interest. She does not have the right to alienate the property without the permission of the court. This rule is similar to that of the Hindu law governing woman's limited estate. The Daughter will get the share equal to the property left by her father in the absence of sons or widows. The unmarried daughter will get married before the division of the property. A widow does not have the right to inherit but she is entitled to maintain the property left by her husband along with her sons. After her death, the property is inherited by her sons and daughters. An unmarried woman or a divorcee is the absolute owner of the property which she has earned by her skill and intellect. Any gift received by the unmarried woman during her lifetime or marriage by her father, brother, or any relatives, she is the full owner of the property. She can claim it at the time of divorce. A divorced wife does not inherit any property from her husband by whom she has been divorced or whom she has divorced.

7. PRESENT STATUS OF INHERITANCE RIGHTS OF MEITEI WOMAN IN MANIPUR

The Hindu Succession Act of 1956 makes a new era in the history of social legislation in India. Relentless efforts have been made to bring some reforms with far-reaching consequences in the system of inheritance and succession. The law in these areas needed complete overhauling as some of the legal provisions under the old textual law had become obsolete for eg. the non-inclusion of female relatives to inherit the property and giving preference to the males. The law in this respect needed some revolutionary changes to recognize the long-felt right of inheritance of Hindu females at par with males. It was only in the year 2005, the Hindu

Succession Act of 1956 made a revolutionary change in the law for female Hindus. For the first time, a Hindu female got the chance to become an absolute owner of the property. She could inherit equally with a male counterpart and a widow was also given importance regarding the Succession of her husband's property as also to her father's property. Whether a daughter is married or unmarried, Sec 6, Sec 14, Sec 15, and Sec 16 of the Hindu Succession Act, 1956 overall govern the laws of inheritance rights of Hindu women. Daughters have equal rights of inheritance as sons to their father's property. Daughters also have a share in the mother's property. The Hindu Succession Amendment Act 2005 came into force on 9th September 2005. The Amendment Act removes gender discriminatory provisions in the Hindu Succession Act. The daughters of a coparcener shall by birth become a coparcener in her own right in the same manner as the son. The daughter shall be subject to the same liability in the said coparcenary property as that of a son. The daughter is allotted the same share as is allotted to a son. A married daughter does not have the right to live with her parents or receive maintenance payments as compensation for being given to her husband. If a married daughter is abandoned, divorced, or widowed, she still has a right to live there. If a woman has reached the age of majority, she has full rights to any property that she has acquired through labor, gift, or will. These are hers to do with as she pleases, whether by sale, gift, or will.

In *Vineeta Sharma Vs. Rakesh Sharma* 2018 SC

In this case, the Supreme Court held that a daughter is a coparcener by birth and that whether the father had died or was alive on the date of the Amendment was not relevant.

8. CONCLUSIONS

The patriarchal or male-dominated society was settled at last by passing the Hindu Succession Amendment Act. The women were given the equal legal right of inheritance as male partners in a



family. The Meitei women also got the same equal rights. Before the passing of the Amendment, the daughter was considered a member of the Hindu undivided family. But after marriage women were not considered a member of the undivided Hindu family. A big change has been brought forward wherein the change in the marital status does not affect the inheritance rights of the women.

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